



Transnational Litigation Attorney Junbo Hao expressed his disappointment over RMB 10,000 compensation

Attorney Hao: *“With the concerted efforts between us and the International Air Crash legal team, we hope to provide the best legal services to protect our Chinese clients”.*

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“It is obviously that RMB10,000 compensation will not comfort the suffering of all the Chinese casualties in the air crash. It may even worsen the wound and pain inflicted upon the victims’ families. As a legal attorney, I have the responsibility and obligations to assist them to seek for justice.” Said Hao Junbo.

After the Russian air crash of July 9th that shocked the world, the Russians and the airlines company only offered a compensation of RMB10,000 for one of the Chinese casualties, Li Qingli (*deceased*), this amount greatly stung the hearts of countless Chinese nationals. Hao Junbo, the famous transnational litigation legal attorney from Lehman, Lee & Xu, Beijing, Mr. Hao Junbo, who acted for the families of victims of **Baotou air crash**, when interviewed, expressed his great disappointment about this matter.

“Although there is difficulty to file a transnational legal suit, I still believe with concerted effort by all parties, if we succeed, the amount of compensation will be substantial”. When contacted by a reporter from the China Legal News, Attorney Hao Junbo is in the midst of preparing the legal ground works concerning this case.

A 19-year-old Chinese girl died in Russia

“It is invisible in the darkness in the month of July within five footsteps. Nevertheless, many people could still see clouds of heavy smoke rush into the sky. Upon seeing this, the staffs who worked at the tower of Irkutsk Airport could sense that something was amiss. They then sounded the alarm” The harsh siren was all over the Siberian provincial centre of Irkutsk.

Early in the morning, a local radio station in the Russian city of Siberian provincial centre of Irkutsk broke the first news: “Today at 2:55am, an aircraft from the Sibir Airlines which took off from Moscow, Airbus-310 S7



crashed when landing at Irkutsk Airport”. When contacted, the airlines confirmed that there were 192 passengers and 8 crews in the said plane. When landing at Irkutsk Airport, the Russian Airbus plane veered off a runway and crashed into a concrete wall close to airport building and caught fire. The emergency rescue department sent out five fire brigades and took nearly 3 hours to put out the fire.

On the very same day, the Airlines issued an official announcement and confirmed that there were 12 foreign passengers in that plane, including 3 Chinese passengers. The investigator said the brake system failure was the main cause of the air crash. Upon retrieval of the Black Box, the Russian Transport Minister Igor Levitin disclosed that, when the aircraft was about to arrive at Irkutsk Airport, the aircraft crew informed the ground control center of the aircraft descending, minutes later the communication was cut off. It was raining on the day, the runway was wet and slippery.

Two days later, the government department announced to the world about the facts on occurrence of the air crash: a total of 14 foreign passengers in the Airbus A310 of the Irkutsk air crash. A survey was conducted by the relevant departments to ascertain the identity of the victims: foreign passengers including 3 Chinese, 3 Germans, 3 Belarusian, 2 Polish, 2 Moldovan and 1 Azerbaijanis. 4 of the foreign passengers who escaped the tragedy included one Chinese passenger, at the moment, there were 4 Germans and Belarusians being treated in the hospital. 2 Chinese passengers, 2 Moldovan passengers, 1 German and 1 Belarusian were not on the rescued passengers list.

According to the Chinese survivor in the plane crash, Wang Tiecheng recollects that the other 2 Chinese passengers were female, after boarding they were seated at the middle part of the plane. After the crash, Wang Tiecheng escaped from the back hatch door, and did not see the 2 fellow Chinese again. Later, it was confirmed that the other 2 passengers, a 19-year-old student abroad Li Qingli and a businesswoman Wang Xiaojie had died in the accident. A total of 125 people were killed in the air crash.

RMB10, 000 compensation

After the air crash, a bad omen emerged in the heart of Li Enquan, as the worried father did not find the name of his daughter on the survivor list. 19-year-old daughter Li Qingli arrived at Russia on March 4 this year to learn the Russian language, and also helped in looking after her father’s business there. Due to homesick and misses her grandmother, she was on her way back to China. Unexpectedly, the plane crashed when landed at Irkutsk Airport. She had earlier informed her father the seat number before boarding, Li Enquan ensure the seat was in the middle of the passenger compartment near the airfoil. According to the workers in the airlines, the survival rate of that particular position in the event of a crash is near to nil.....

6 days later, in the wreckage of the plane crash, Li Enquan noticed a tooth from the debris, which was what he could recognize with the lovely "melon seeds teeth". Later when a DNA test was carried out, it was confirmed that the tooth belonged to Li Enquan’s 19-year-old daughter, Li Qingli. In order to support her little sister, she began working after she finished from primary school. To be able to achieve her dreams to study in Russia, Li Qingli was once the happiest person in the world.

According to attorney Hao Junbo the Russian local laws provide for the initial awards to be given by the Russian Federation to the families of the deceased so long as the remains / body could be identified after the air



crash. According to the laws of the Russian Federation, the compensation was about 50,000 rubles (approximately RMB15,000); However Li Qingli's family was not necessarily entitled to the amount. The amount of money given by the Russian Federation was applicable to Russian citizens, those non-citizens may be entitled even lesser.

In addition, the Russian local airlines could provide compensation. It means that when one purchases an insurance policy before flying. This amount of compensation is approximately around 12,000 rubles (about RMB3,600); this compensation does not take into account of issue of nationality.

The local government in Irkutsk has a fund / subsidy for its residents. A portion of this fund is set up for the purposes of accidental injury benefits, for instance the air crash, whereby the families of the victims would be given some sort of compensation, the amount may be considerably low. However, it is not clear whether this compensation funds are available to foreign citizens under local policies.

The final resource may come in the form of the deposits from the social assistance account, in fact, this is the contributions and donations from the community, the amount certainly will not be too much; In addition to that, the insurance bought by individual passengers. There is no relationship between the insurance and the Russian Airlines, this is applicable for those who had bought their own insurance policies from insurance companies. According to Li Qingli's father, Li Qingli did not purchase any kind of insurance. Thus this mode of compensation is therefore not available.

When Hao Junbo learnt about the compensation sum being offered, he felt strongly that he should offer some sort of help for the victims. He initiated contact with the families of the deceased to further discuss on the other options to seek for damages.

Claims from the aircraft components manufacturers

In preparation to commence claims against the responsible parties concerning the Russian air crash, attorney Hao Junbo worked out 2 different possible modes to pursue compensation within a short time. "The 2 modes are applicable here in this air crash incident, but it could vary distinctively in terms of the end results in the actual execution of claims." Hao Junbo said.

The first mode is to pursue the claims against the Russian airlines. According to attorney Hao, when a passenger purchased flight ticket(s) from the airlines, a binding contract was formed, the security of passengers aboard the aircraft should be guaranteed, and when in the unlikely event of an air crash, this could be implied that the airlines had not taken the responsibility to ensure the safety of their passengers. As a result, the passengers could pursue the claims against the airlines.

However, the issue that arise to commence via this of this kind of mode was, in the views of world, the amount of compensation to be given by the Russian Federation was very low, by comparison. Judging from the several Chinese families' conditions, what the Russian Federation's attempt was an utterly inadequate compensation for the victims' families.



The second method is to commence legal actions against the aircraft parts manufacturer. After this Russia airline air crash incident, the aviation industry's specialist believed that, judging from the angle of the accident, there were a few possibilities that caused the air disaster. For example, the aircraft landing gear had caught fire when landing, the aircraft had problems, believed to be short circuit even when airborne, the malfunction of the braking system and so on. Attorney Hao Junbo had discussed the matter with some American well-known air crash disasters attorneys, through investigations, it was believed that the responsibility of this aircraft accident could possibly appeared in two parts, first was the braking system; second, was the reverse impetus system mechanism. These two important components manufacturers for flight schedule No.778 were from France and another in the United States.

Attorney Hao opined that according to the related stipulation of the international convention "Applicable Products Liability Law", this case is suitable and should be rightly allowed to invoke the relevant laws in the local jurisdiction(s) of the place that hosted the manufacturers, namely American Law and French Law. Accordingly, the laws of these two countries will have higher amount of air disaster compensation if compared to that in Russia. Therefore, attorney Hao opines that it is more practical and meaningful to sue in the U.S. or France for practical purposes.

The amount of compensation should be compatible to the international acceptable standard

Apart from Li Qingli, there were other two victims (deceased), one a businesswoman Wang Xiaojie, 54-year-old and the other Mr. Wang's (from Jilin province) Russian wife. "We have to try seeking the maximum compensation for those killed in the air crash. Li Qingli is a less than 20 year-old girl, and the daughter of Wang Xiaojie (the deceased) has just reached 20 year-old as well. Mr. Wang has 2 small kids, at 11 and the younger at 3. Besides, Mr. Wang has passed away, the compensation for them should be much more" Attorney Hao could not cover his disappointment when these emotive words were uttered.

Attorney Hao analyzed that the Russian compensation standard had to coincide with its economic power, the Russians are unable to offer sufficient monetary compensation, hence we decide to commence a transnational litigation in countries with tremendous economic powers like France and the U.S.A. The main intention was that the victims would perhaps, able to fight for more compensation.

"The air crash compensation in the U.S. is the highest in the world. We have had past experience with our counterpart in America and are confident in the case. So we hope to first commence the lawsuit in the U.S.A. Meanwhile we will consider the possibility to engage the best French aviation / air crash lawyers to look into the matter". Attorney Hao Junbo responded.

Before the commencement of litigation, Hao Junbo collected a lot of information for evidential purposes, such as specific conditions about potential claimants; whether they had or survived by any kids and/or the elderly, because this might relate directly to the issue of dependency and maintenance expenses; these materials are very relevant and important to substantiate the claims as proof. "In fact, these are basic information. The most cumbersome and time – expense consuming has to do with getting the experts from all the relevant fields."



Attorney Hao informed the reporter that to pursue a claim for air crash cases, there are many considerations and several professional knowledge are expected, throughout the process, experts evidence need to be called such as meteorologists, aviation mechanical experts, legal experts from different jurisdictions and the scene investigators etc. Although there is still some time before the formal commencement of the lawsuit, but attorney Hao and his team of international legal project team has already started with active preparation.

“Transnational litigation involves a variety of legal and practical issues, the most complex being in the area of jurisdictional, and also the most controversial. But in any case, we should make all efforts to pursue the compensation to obtain maximize compensation for the families.” Attorney Hao Junbo emphasize, “we are unable to ascertain the exact amount of compensation, but we have a professional group of international experts for these type of cases. Regardless where the accident took place, we could at least seek to protect the Chinese nationals and ensure they would received the best legal services available in the world.”

(Translated by LLX Translation Department)

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